

HOUSE BILL 2772

By Moody

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 21, Part 4, relative to clerk fees for
electronic filing and retrieval of court documents.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-21-401, is amended by deleting the first sentence of subdivision (o)(1) and substituting instead the following:

In any court where electronic filing, signing, or verification of papers has been authorized by local court rule and is in compliance with technological standards established by the supreme court, clerks may assess a transaction fee for each filing submitted by a party to the case.

SECTION 2. Tennessee Code Annotated, Section 8-21-409, is amended by adding the following language as a new subsection:

(h) Fees for electronic filing and retrieval of court documents.

(1) In any court where electronic filing, signing, or verification of papers has been authorized by local court rule and is in compliance with technological standards established by the supreme court, clerks may assess a transaction fee for each filing submitted by a party to the case. The transaction fee is limited to a maximum of five dollars (\$5.00) per filing up to a maximum of fifty dollars (\$50.00) per case. As an alternative to a transaction fee, clerks may assess an annual subscription fee for each registered user of the electronic filing system. The subscription fee must permit the registered user unlimited electronic filing for a one-year period. The one-year period must be defined by the clerk and consistently maintained for all registered users of the electronic filing system.

The annual subscription fee cannot exceed three hundred dollars (\$300) for each annual period. Each of these fees must be set in an amount necessary to defray the expenses associated with implementation and maintenance of the electronic filing and document retrieval system and must be included in the local court rule authorizing the electronic filing and document retrieval system. Pursuant to subsection (d), these fees are not assessed against the state.

(2) Pursuant to subsection (c), neither the transaction fee nor the subscription fee shall be assessed to a party declared indigent or to that indigent party's legal representative.

(3) In any court where electronic filing, signing, or verification of papers has been authorized by local court rule, the state and any department or contractor of the state are not required to file documents electronically, notwithstanding any local court rule.

(4) Neither the electronic filing transaction fee nor the subscription fee shall limit a clerk's statutory authority to charge subscription fees or transaction fees for obtaining copies of documents maintained by the clerk as part of an electronic filing system of a separate document management system.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.